

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
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SO. DIST. OF GA.

UNITED STATES OF AMERICA)

v.)

STACY PAUL WADDELL,)

Defendant.)

CASE NO. CR415-095

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 157), to which objections have been filed (Doc. 159). After a careful de novo review of the record, the Court finds Defendant's objections to be without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Defendant's Motion to Dismiss (Doc. 139), Motion for Additional Time to Review Digital Discovery (Doc. 140), and Motion to Exclude Folkenberg Deposition¹ (Doc. 151) are **DENIED**.

In his objections, Defendant makes several assertions that he waived his attendance at Mr. Folkenberg's deposition with the understanding that the Government would meet certain conditions. (Doc. 159 at 2-3.) This Court's

¹ Defendant's Motion to Amend Motion to Exclude is **GRANTED**. (Doc. 154.) The Court reviewed the amended motion when ruling on Defendant's objections.

review of the record, however, fails to identify any express conditions placed on Defendant's waiver. In fact, both the Government and the Magistrate Judge counseled Defendant against waiving his attendance. While Defendant questioned certain procedures for obtaining and reviewing evidence, at no point did either the Government or the Magistrate Judge make any promises to induce Defendant to waive his attendance. Rather, Defendant made a knowing and voluntary choice not to attend, and must now live with the consequences² of that decision.

SO ORDERED this 12th day of February 2016.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

² That is not to say the Court finds that Defendant is prejudiced in any meaningful way. In this Court's opinion, Defendant has not been significantly prejudiced by failing to personally attend the deposition.